

## **REGULAR MEETING**

### **January 13, 1997**

The Regular Meeting of the Annapolis City Council was held on January 13, 1997 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Den One of Cub Scouts Pack #771 offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason, Police Chief Johnson

Alderman Snowden moved to approve the Minutes of December 2, December 9 and December 16, 1996. Seconded. CARRIED on voice vote.

Mayor Hopkins presented Proclamations to Monte Graves and Morris Blum.

## **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Robert Eades  
26 Pleasant Street  
Annapolis, Md. 21401

Spoke regarding the City's policy on the use of deadly force and requested the establishment of a Civilian Review Board. Mr. Eades submitted a Petition.

2. Theodore Brown  
910 Windsor Avenue  
Annapolis, Md. 21401

Spoke regarding the City's policy on the use of deadly force and requested the establishment of a Civilian Review Board.

3. Michael Brown  
Chair, Black Political Forum  
1002 Timber Creek Drive  
Annapolis, Md. 21403

Spoke regarding the City's policy on the use of deadly force and requested the establishment of a Civilian Review Board.

4. Wendell Turner  
1802 Lincoln Drive  
Annapolis, Md. 21401

Spoke regarding the City's policy on the use of deadly force and requested the establishment of a Civilian Review Board.

5. Trisha Richardson  
Annapolis, Md. 21401

Spoke regarding the City's policy on the use of deadly force and requested the establishment of a Civilian Review Board.

6. Ronald Tyler  
Capital Heights, Md.

Spoke regarding the City's policy on the use of deadly force and requested the establishment of a Civilian Review Board.

7. Lucy Oppenheim  
17C Heritage Court  
Annapolis, Md. 21401

Spoke regarding the City's policy on the use of deadly force and requested the establishment of a Civilian Review Board.

8. Louise Beauregard  
Christian Services, USA  
2 Maryland Avenue  
Annapolis, Md. 21401

Spoke regarding the revenue authority.

9. Tony Evans  
3 Constitution Square  
Annapolis, Md. 21401

Spoke regarding changes to the City's Charter and in recognition of Morris Blum.

## **ACTION ON APPLICATIONS AND APPEALS**

- R-1-97** For the purpose of approving the application of Susan L. Longo, DVM, President, MedVet, Inc. and Kenneth A. Niefeld for a conditional use to establish an animal hospital located at 2244-2248 Bay Ridge Avenue, Greystone Building in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman DeGraff moved to adopt R-1-97. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer  
CARRIED: 9-0

## **LEGISLATIVE ACTION**

### **CHARTER AMENDMENTS**

- CA-4-96** For the purpose of amending the Charter of the City of Annapolis to create the position of City Administrator, to define the qualifications, compensation, responsibilities, line of authority, powers and duties of the City Administrator, and to clarify certain powers and duties of the Mayor.

Alderman Snowden moved to adopt CA-4-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-4-96.

Alderman Johnson moved to amend CA-4-96 as follows:

#### **Amendment No. 1:**

On Page 3, line 3, immediately following "FULFILLED;" insert "SHALL SUPERVISE THE CITY ADMINISTRATOR;".

Seconded. CARRIED on voice vote.

Alderman Turner moved to amend CA-4-96 as follows:

**Amendment No. 2:**

On Page 3, line 27, immediately following "CONFIRMED BY" insert "AT LEAST TWO-THIRDS VOTE OF".

Seconded. DEFEATED on voice vote.

Alderman Gilmer moved to amend CA-4-96 as follows:

**Amendment No. 3:**

On Page 3, line 27, immediately following "CITY COUNCIL" add "SOLELY".

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Turner,  
DeGraff, Moyer  
NAYS: Aldermen Tullier, Snowden  
CARRIED: 7-2

Alderman Hammond moved to amend CA-4-96 as follows:

**Amendment No. 4:**

On Page 3, line 28, strike beginning with "IN GOVERNMENT" through and including "ADMINISTRATION" on line 29.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Turner  
NAYS: Aldermen Tullier, Snowden, DeGraff, Moyer  
CARRIED: 5-4

Alderman Gilmer moved to amend CA-4-96 as follows:

**Amendment No. 5:**

On Page 3, line 30, strike "A MASTER'S" and substitute "AN ADVANCED".

Seconded.

Following discussion, Alderman Moyer moved to amend Amendment No. 5 as follows:

On page 3, line 30, strike "A MASTER'S" and substitute "AN ADVANCED"; and on page 3, line 31 immediately following "UNIVERSITY" strike "AND" and substitute "AND/OR".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt Amendment No. 5 as amended. Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend CA-4-96 as follows:

**Amendment No. 6:**

On Page 3, lines 32 and 33, strike ", OR BOTH".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend CA-4-96 as follows:

**Amendment No. 7:**

On Page 3, line 36, strike beginning with "THE CITY" through and including the period on line 38.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Turner, DeGraff  
NAYS: Aldermen Johnson, Gilmer, Tullier, Snowden, Moyer  
DEFEATED: 5-4

Alderman Snowden moved to amend CA-4-96 as follows:

**Amendment No. 8:**

On Page 4, strike lines 8 through 11 in their entirety and renumber subsequent paragraphs accordingly.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Turner  
NAYS: Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 5-4

Alderman Snowden moved to amend CA-4-96 as follows:

**Amendment No. 9:**

On page 4, line 8, strike "EXECUTIVE BRANCH" and substitute "DEPARTMENT DIRECTORS"; and on lines 11 and 12, strike "EXECUTIVE BRANCH OFFICES AND DEPARTMENTS" and substitute "DEPARTMENT DIRECTORS".

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend CA-4-96 as follows:

**Amendment No. 10:**

On page 3, lines 21 and 22, strike "EXCEPT THE CITY ATTORNEY WHO SHALL BE RESPONSIBLE DIRECTLY TO THE MAYOR".

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Tullier, Snowden, Turner, DeGraff, Moyer  
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer  
CARRIED: 5-4

Alderman DeGraff moved to amend CA-4-96 as follows:

**Amendment No. 11:**

On page 2, lines 28 and 29, strike "AND CITY ATTORNEY".

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend CA-4-96 as follows:

**Amendment No. 12:**

On page 4, line 13, strike "ADMINISTER" and substitute "DIRECT THE OPERATIONS OF".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-4-96 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-4-96 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,  
Snowden, Turner, DeGraff, Moyer  
CARRIED: 9-0

There being no voiced objection, the order of the Agenda was amended.

**ORDINANCES**

**O-69-96** For the purpose of authorizing the 1997 Spring Boat Show and Waterfront Festival Agreement which Agreement includes provisions to lease to International Boat Shows, Inc., body corporate, certain municipal parking areas on Compromise Street between the Fleet Reserve Club and Fawcetts Boat Supply and the Donnor lot and Susan Campbell Park on the City Dock, for a certain period of time, subject to certain terms, provisions, and conditions, for the purpose of conducting said Spring Boat Show and Waterfront Festival; and all matters relating to said lease.

Alderman DeGraff moved to adopt O-69-96 on second reading. Seconded.

The Finance Committee reported favorably on O-69-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-69-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,  
Snowden, Turner, DeGraff, Moyer  
CARRIED: 9-0

The regular order of the Agenda was resumed.

**CHARTER AMENDMENTS**

**CA-5-96** For the purpose of amending the Charter of the City of Annapolis to prohibit aldermen from interfering in the administration of the City, to provide sanctions for such interference and to preclude discipline against city employees in certain circumstances.

Alderman Snowden moved to adopt CA-5-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-5-96.

Alderman Johnson moved to amend CA-5-96 as follows:

**Amendment No. 1**

On Page 1, line 34, strike "WITH EXECUTIVE BRANCH" and substitute "BY THE CITY COUNCIL"; and on Page 2, line 16, strike "WITH EXECUTIVE BRANCH" and substitute "BY THE CITY COUNCIL".

**Amendment No. 2**

On Page 2, line 20 and 21, strike "BY THE MAYOR OR BY ANY OF HIS SUBORDINATES".

**Amendment No. 3**

On Page 2, line 26, after "MAYOR" add "AND/OR CITY ADMINISTRATOR".

**Amendment No. 4**

On Page 2, line 35, immediately following "COUNCIL" add "AS DESCRIBED IN ARTICLE IV, SECTION 6".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-5-96 Amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson  
NAYS: Aldermen Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer  
DEFEATED: 6-3

**CA-6-96** For the purpose of amending the Charter of the City of Annapolis to eliminate the term limitation for Mayor.

Alderman Snowden moved to adopt CA-6-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-6-96.

A ROLL CALL vote was taken on the main motion:

YEAS: Aldermen Turner, Moyer  
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff  
DEFEATED: 7-2

**CA-7-96** For the purpose of amending the Charter of the City of Annapolis to abolish aldermanic committees and require that all business be conducted by the City Council as a whole; establishing that the City Council may appoint special temporary ad hoc committees under certain circumstances.

Alderman DeGraff moved to adopt CA-7-96 on second reading. Seconded. DEFEATED on voice vote.

**CA-8-96** For the purpose of amending the Charter of the City of Annapolis to establish a commission for the purpose of making a comprehensive study of the government of the city including the revision of the boundaries of the wards.

Alderman Johnson moved to adopt CA-8-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-8-96.

Alderman Johnson moved to amend CA-8-96 as follows:

**Amendment No. 1**

On Page 2, line 4, immediately following "city" strike" including the revisions of the boundaries of the wards".

**Amendment No. 2**

On Page 2, line 20, strike beginning with "INCLUDING" through and including "WARDS" on line 21.

**Amendment No. 3**

On Page 2, line 23, strike beginning with "THE COMMISSION" through and including the period on line 25.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-8-96 Amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Turner, Moyer  
NAYS: Aldermen Tullier, Snowden, DeGraff  
CARRIED: 6-3

Alderman Snowden moved to adopt CA-8-96 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden,  
Turner, DeGraff, Moyer  
NAYS: Alderman Tullier  
CARRIED: 8-1

**CA-9-96** For the purpose of amending the Charter of the City of Annapolis to provide for non-partisan elections for the Mayor and Aldermen.

Alderman Turner moved to adopt CA-9-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably as revised on CA-9-96.

Alderman DeGraff moved to amend CA-9-96 as follows:

On page 6, line 6, add "This charter amendment shall become effective in the year 2001."

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Tullier, DeGraff, Moyer  
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden,  
Turner  
DEFEATED: 6-3

Alderman Johnson moved to substitute CA-9-96 Revised for CA-9-96. Seconded.  
DEFEATED on voice vote.

Alderman Snowden moved to adopt CA-9-96 on second reading. Seconded. A  
ROLL CALL vote was taken:

YEAS: Aldermen Hammond, DeGraff  
NAYS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, Turner,  
Moyer  
DEFEATED: 7-2

**CA-10-96** For the purpose of amending the Charter of the City of Annapolis to grant the  
right of recall of the Mayor or any Alderman to the voters.

Alderman Turner moved to adopt CA-10-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-10-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt CA-10-96 on third reading. Seconded. A ROLL  
CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,  
Snowden, Turner, DeGraff  
NAYS: Alderman Moyer  
CARRIED: 8-1

**CA-11-96** For the purpose of amending the Charter of the City of Annapolis to establish  
that the procedure for amending the Charter shall be in accordance with  
Maryland Annotated Code, Article 23A.

There being no voiced objection, CA-11-96 was postponed in order to have a public  
hearing at a later date.

## **ORDINANCES**

**O-52-96** For the purpose of allowing members of the police department participating  
in the public safety pension plan to have normal service retirement after  
completing twenty years of active service and attaining age fifty; and all  
matters relating to said public safety pension plan.

Alderman Snowden moved to adopt O-52-96 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on O-52-96.  
The Finance Committee reported favorably on O-52-96.

There being no voiced objection, O-52-96 was postponed to the February 10, 1997  
meeting.



**O-53-96** For the purpose of providing for an award of costs and attorney's fees not to exceed \$2,500.00 to person(s) who obtain a declaratory judgment finding the City violated any procedure or provision of City Code, Title 21; and all matters relating to said awards.

Alderman Snowden moved to adopt O-53-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-53-96.

Alderman Johnson moved to amend O-53-96 as follows:

**Amendment No. 1:**

On Page 2, line 21, immediately following "CITY COUNCIL" add ", THE PLANNING COMMISSION OR BOARD OF APPEALS".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-53-96 Amended on second reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Turner  
NAYS: Aldermen Tullier, Snowden, DeGraff, Moyer  
CARRIED: 5-4

Alderman Turner moved to adopt O-53-96 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner  
NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 6-3

There being no voiced objection, the order of the Agenda was amended.

**RESOLUTIONS**

**R-3-97** For the purpose of consenting to transfer of the existing cable television franchise agreement with United CATV, Inc. d/b/a TCI Cablevision of Annapolis (hereinafter "TCI") to Jones Communications of Maryland, Inc., a Colorado corporation qualified to do business as a foreign corporation in Maryland (hereinafter "Jones of Md."); and all matters relating to said franchise agreement.

There being no voiced objection, R-3-97 was referred to the Rules and City Government, Finance and Economic Matters Committees.

The regular order of the Agenda was resumed.

**ORDINANCES**

**O-56-96** For the purpose of establishing that the Personnel Director shall adopt and promulgate rules and regulations governing personnel matters; revising the duties of the Civil Service Board; and all matters relating to said rules and regulations.

Alderman Tullier moved to adopt O-56-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-56-96.

Alderman Johnson moved to amend O-56-96 as follows:

**Amendment No. 1:**

On Page 2, line 28 add the following:

"THE RULES AND REGULATIONS SHALL BECOME EFFECTIVE NOT LESS THAN FORTY-FIVE DAYS FOLLOWING ITS PROMULGATION AND TRANSMISSION TO THE CITY COUNCIL BY THE PERSONNEL DIRECTOR, UNLESS AN OBJECTION TO THE RULES OR REGULATIONS, OR ANY PORTION, IS REGISTERED BY THE CITY COUNCIL BY A RESOLUTION ADOPTED PRIOR TO THE EFFECTIVE DATE OF THE RULES OR REGULATIONS. IN ADDITION TO THE FOREGOING, THE CITY COUNCIL MAY ADOPT BY RESOLUTION ANY RULE OR REGULATION RECOMMENDED BY THE PERSONNEL DIRECTOR FOR EXPEDITED IMPLEMENTATION. IF SO ADOPTED, EACH SUCH RULE OR REGULATION SHALL BECOME EFFECTIVE UPON THE APPROVAL OF THE RESOLUTION."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-56-96 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-56-96 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer

CARRIED: 8-0

**O-58-96** For the purpose of transferring conditional use approval authority from the Annapolis City Council to the Board of Appeals; and all matters relating to said authority.

Aldermen Snowden moved to adopt O-58-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-58-96.

Alderman Tullier moved to amend O-58-96 as follows:

**Amendment No. 1:**

On page 3, line 9, strike "It is the intention of the City Council to continue referring to special exceptions as conditional uses".

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend O-58-96 as follows:

**Amendment No. 2:**

On page 10, line 37, strike "THE BOARD SHALL APPLY A LIBERAL INTERPRETATION TO THIS SECTION."; and on line 40, add "G. THE BOARD SHALL APPLY A LIBERAL INTERPRETATION TO THIS SECTION."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-58-96 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-58-96 Amended on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff  
NAYS: Alderman Moyer  
CARRIED: 8-1

**O-59-96** For the purpose of transferring subdivision plat approval authority from the City Council to the Planning Commission; and all matters relating to said authority.

Alderman Turner moved to adopt O-59-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-59-96.

The main motion CARRIED on voice vote.

Alderman DeGraff moved to adopt O-59-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff  
NAYS: Alderman Moyer  
CARRIED: 8-1

**O-61-96** For the purpose of creating the position of City Administrator; and all matters relating to said position.

Alderman Snowden moved to adopt O-61-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-61-96.

The main motion CARRIED on voice vote.

Alderman Johnson moved to adopt O-61-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer  
CARRIED: 9-0

**O-62-96** For the purpose of updating the zoning districts and order of district restrictiveness to reflect the inclusion of new zoning districts; repealing in its entirety Chapter 21.44, I2 General Industrial District; and all matters relating to said districts.

Alderman Turner moved to adopt O-62-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-62-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-62-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,  
Snowden, Turner, Moyer  
CARRIED: 8-0

**O-66-96** For the purpose of amending the R1, R1-A and R1-B single family residence districts to allow a country inn as a conditional use in all city residential zoning districts; and all matters relating to said country inns.

Alderman Snowden moved to adopt O-66-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-66-96.

Alderman Johnson moved to amend O-66-96 as follows:

**Amendment No. 1:**

On Page 3, line 23, strike beginning with "AN" through and including "STRUCTURE" on line 24 and substitute the following:

"A SINGLE FAMILY DWELLING ON A LOT OF RECORD, PROVIDED BOTH EXIST AS OF \_\_\_\_\_ (DATE OF ADOPTION). NO NEW DWELLING OR LOT MAY BE CREATED FOR PURPOSE OF THIS USE AND NO DWELLINGS MAY BE DEMOLISHED FOR THE PURPOSE OF THIS USE".

Seconded. CARRIED on voice vote.

Alderman Johnson moved to amend O-66-96 as follows:

**Amendment No. 2:**

On Page 4, strike beginning with line 1 through and including the period on line 7 and substitute the following:

H. PARKING.

1. ONE PARKING SPACE SHALL BE PROVIDED ON THE LOT FOR EACH LODGING ROOM, PLUS ONE SPACE ON THE LOT FOR THE OWNER/MANAGER, PLUS ONE PARKING SPACE PER EMPLOYEE;
2. THE DESIGN OF THE PARKING AREA SHALL BE SUCH THAT IMPACT ON ADJACENT PROPERTIES IS MINIMIZED:
  - A. IN ADDITION, PARKING FACILITIES SHALL BE SUBJECT TO THE PROVISIONS OF CHAPTER 21.64 AND TO SITE DESIGN REVIEW UNDER CHAPTER 21.98;
  - B. WHERE FEASIBLE, THE PARKING AREA SHALL BE PROVIDED AT THE REAR OF THE SITE;
  - C. IN NO CASE SHALL PARKING BE PROVIDED IN THE ESTABLISHED FRONT YARD;
  - D. WHEN LOCATED NEXT TO A SINGLE-FAMILY RESIDENTIAL USE, DENSE PLANTING TO PROVIDE AN EFFECTIVE FIFTY PERCENT SCREEN SHALL BE INSTALLED AND MAINTAINED;"

Seconded. CARRIED on voice vote.

Alderman Moyer moved to reconsider Amendment No. 2 to O-66-96. Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend Amendment No. 2 as follows:

**Amendment No. 2 as amended:**

On Page 4, strike beginning with line 1 through and including the period on line 7 and substitute the following:

H. PARKING.

1. ONE PARKING SPACE SHALL BE PROVIDED ON THE LOT FOR EACH LODGING ROOM, PLUS ONE SPACE ON THE LOT FOR THE OWNER/MANAGER, PLUS ONE PARKING SPACE PER EMPLOYEE. ON-SITE PARKING MAY BE SUBSTITUTED WITH A CONTRACT WITH A VALET SERVICE OR A PARKING GARAGE;
2. THE DESIGN OF THE PARKING AREA SHALL BE SUCH THAT IMPACT ON ADJACENT PROPERTIES IS MINIMIZED:
  - A. IN ADDITION, PARKING FACILITIES SHALL BE SUBJECT TO THE PROVISIONS OF CHAPTER 21.64 AND TO SITE DESIGN REVIEW UNDER CHAPTER 21.98;
  - B. WHERE FEASIBLE, THE PARKING AREA SHALL BE PROVIDED AT THE REAR OF THE SITE;
  - C. IN NO CASE SHALL PARKING BE PROVIDED IN THE ESTABLISHED FRONT YARD;
  - D. WHEN LOCATED NEXT TO A SINGLE-FAMILY RESIDENTIAL USE, DENSE PLANTING TO PROVIDE AN EFFECTIVE FIFTY PERCENT SCREEN SHALL BE INSTALLED AND MAINTAINED;"

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt Amendment No. 2 as amended. Seconded. CARRIED on voice vote.

Alderman Johnson moved to amend O-66-96 as follows:

**Amendment No. 3:**

On Page 4, line 12 add the following:

"J. AN OWNER SHALL LIVE ON THE PREMISES."

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Gilmer, Turner  
NAYS: Aldermen Johnson, Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 5-4

Alderman Tullier moved to amend O-66-96 as follows:

**Amendment No. 4:**

On Page 3, line 27, strike beginning with "COLLECTOR" through and including "STREETS" on line 28 and substitute the following:

"A COLLECTOR OR ARTERIAL STREET WITHOUT TRANSVERSING AN ESTABLISHED RESIDENTIAL COMMUNITY OR NEIGHBORHOOD".

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend O-66-96 as follows:

**Amendment No. 5:**

On Page 4, line 12, add the following standard:

"J. SITE DESIGN PLAN REVIEW UNDER CHAPTER 21.98 IS REQUIRED."

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend O-66-96 as follows:

**Amendment No. 6:**

On Page 4, line 12, add the following standard:

"K. ALL ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING SHALL PRESERVE THE CHARACTER AND DESIGN OF THE EXISTING DWELLING."

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend O-66-96 as follows:

**Amendment No. 7:**

On Page 4, line 12, add the following standard:

"L. ACCESSORY STRUCTURES. IN ADDITION TO THE REQUIREMENTS OF THE UNDERLYING ZONE, THE BULK OF ACCESSORY STRUCTURES SHALL BE REGULATED AS FOLLOWS:

1. THE HEIGHT OF ACCESSORY STRUCTURES SHALL IN NO INSTANCE EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE, AND SHALL BE DETERMINED AS FOLLOWS:
  - A. ACCESSORY STRUCTURES WITHIN TWO FEET OF ANY PROPERTY LINE EXCEPT REAR PROPERTY LINES ADJACENT TO AN ALLEY:
    1. THE STRUCTURE SHALL HAVE A CORNICE HEIGHT NOT TO EXCEED EIGHT FEET AND A RIDGE HEIGHT OF SIXTEEN FEET, EXCEPT THAT DUE TO PHYSICAL CONSTRAINTS OR IN ORDER TO ACHIEVE COMPATIBLE DESIGN, THE DIRECTOR OF PLANNING AND ZONING MAY ALLOW A TWO FOOT TOLERANCE TO THE CORNICE HEIGHT AND A FOUR FOOT TOLERANCE TO THE RIDGE HEIGHT.
  - B. THE CORNICE AND RIDGE HEIGHTS OF AN ACCESSORY STRUCTURE MAY INCREASE ONE FOOT FOR EACH ONE FOOT OF ADDITIONAL

SETBACK BEYOND TWO FEET UP TO A MAXIMUM HEIGHT OF TWO STORIES AND/OR A CORNICE HEIGHT OF SIXTEEN FEET AND A RIDGE HEIGHT OF COMPATIBLE DESIGN."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-66-96 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-66-96 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, DeGraff, Moyer  
NAYS: Aldermen Hammond, Turner  
ABSTAIN: Alderman Gilmer  
CARRIED: 6-2-1

Alderman Snowden moved to suspend the rules in order to take up business after 11:00 p.m. Seconded. CARRIED on voice vote.

**O-67-96** For the purpose of requiring all members of the Historic Preservation Commission to be City residents; establishing that the terms shall be staggered; and all matters relating to said Commission.

Alderman Snowden moved to adopt O-67-96 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer  
NAYS: Aldermen Tullier, Snowden, Turner, DeGraff, Moyer  
DEFEATED: 5-4

**O-75-96** For the purpose of requiring certain procedures in the consideration of ordinances, resolutions and charter amendments; requiring that ordinances and resolutions shall be passed only upon majority vote of the City Council members present; requiring that charter amendments shall be passed only upon a majority vote of all persons elected to the City Council; and all matters relating to said requirements.

There being no voiced objection, O-75-96 was postponed in order to have a public hearing at a later date.

**O-1-97** For the purpose of defining clubs; deleting said definition from Section 7.12.330; and all matters relating to said definition.

Referred to the Economic Matters Committee.

**O-2-97** For the purpose of designating that the Board shall select the type of voting device to be used during an election; and all matters relating to said devices.

Referred to the Rules and City Government Committee and the Board of Supervisors of Election.

**O-3-97** For the purpose of allowing for the appointment of unaffiliated voters and those affiliated with third parties as election judges; and all matters relating to said judges.

Referred to the Rules and City Government Committee and the Board of Supervisors of Election.

- O-4-97** For the purpose of limiting professional contributions to a mayoral or aldermanic candidate; and all matters relating to contributions.

Referred to the Rules and City Government Committee and the Board of Supervisors of Election.

- O-5-97** For the purpose of reducing the 300 foot prohibition for electioneering at polls; and all matters relating to said prohibition.

Referred to the Rules and City Government Committee and the Board of Supervisors of Election.

- O-6-97** For the purpose of allowing other means of identification for voters offering to vote at an election; and all matters relating to said identification.

Referred to the Rules and City Government Committee and the Board of Supervisors of Election.

- O-7-97** For the purpose of deleting the requirement of an affidavit in making application for an absentee ballot; and all matters relating to said ballots.

Referred to the Rules and City Government Committee and the Board of Supervisors of Election.

Alderman Tullier moved to adopt O-1-97, O-2-97, O-3-97, O-4-97, O-5-97, O-6-97 and O-7-97 on first reading and to refer them to the appropriate committees. Seconded. CARRIED on voice vote.

## **BUSINESS AND MISCELLANEOUS**

1. Finance Committee Recommendations for Action dated 12/19/97:

Budget Revision Requests GT-48-97 and GT-49-97

Alderman Snowden moved to approve Budget Revision Requests GT-48-97 and GT-49-97. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:15 p.m.

**Patricia L. Bembe, CMC/AAE  
City Clerk**